

## STEVEN H. GIBBS

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### 2nd Amendment Credentials

- Partner is Hertel & Gibbs, S.C. – Law Firm in Eau Claire, WI
- Represent over 30 gun clubs and ranges in all kinds of litigation
- Represented hundreds of firearm owners
- Completed 60 hour Certified Range Technical Course
- Lecturer on Firearms subjects to Wisconsin Association of Criminal Defense Lawyers (WACDL)
- Former Wisconsin Rifle & Pistol Association Board of Director
- Chippewa County Public Shooting Range and Firearms Training Facility – Board Chair & Committee Member
- Chief Range Safety Officer – Chippewa County
- Certified Firearms Instructor in 6 disciplines

**Current Law:** Under current law, a person who owns or operates an area designed and operated for the use and discharge of firearms (sport shooting range) is immune from civil liability relating to noise and is not subject to an action for nuisance or to zoning conditions related to noise. Current law also provides that if a sport shooting range lawfully existed on June 18, 1998 (existing range), it may continue to operate as a sport shooting range at that location even if certain zoning ordinances or laws regulating the discharge of firearms would otherwise prohibit the operation of the sport shooting range. (See Wis. Stat. 895.527 – Range Protection Act)

### **Problems:** Most clubs and ranges built in the 1950's and 1960's.

1. **Urban Sprawl:** Clubs & ranges built in rural areas. Now people moving to ranges.
2. **Less safe places for people to shoot:** Rural areas gone and people going to ranges to shoot instead of back yards.
3. **Non Conforming Zoning:** Most clubs built in agriculture areas when no zoning existed. Now, all are non-conforming zoning
4. **New Requirements for Conditional Use Permits:** Most zoned municipalities now require the clubs to apply for CUP's if they want to repair or add on to their ranges and be under CUP instead of the protections of 895.527.
5. **Law Suits Regarding Safety:** trying to shut down ranges as the ranges cannot repair or improve their property and ranges without CUP's and municipal approval.

### **Why this bill should become law?**

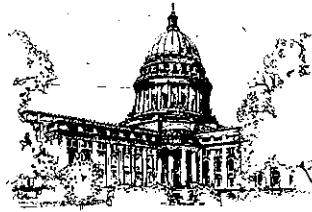
This bill provides that the owner or operator of an existing range may repair, remodel, or reinforce any building on the range for the purpose of public safety or to ensure continued use of the building.

The bill also specifies that the owner or operator may reconstruct, repair, or rebuild a building on the range that is damaged by certain natural causes if the damage occurs after the bill's effective date.

The bill also allows the owner to expand the membership or facilities of the range, and allow sport shooting activities that are consistent with generally accepted operation practices for those activities.

This bill also prohibits a state agency, political subdivision, or court from requiring the closure of an existing range unless the state agency, political subdivision, or court finds that the range presents a public safety hazard to the surrounding community and the owner is given at least three opportunities to eliminate the hazard.

The state agency, political subdivision, or court must also allow the owner of the range to relocate the range to any property where the operation of a sport shooting range is an allowable use of the property. If the owner relocates the range as required by a state agency or political subdivision, the state agency or political subdivision must acquire the property by condemnation unless the state agency does not have condemnation authority. In that case, the state agency must purchase the range in the amount stated on an appraisal furnished by the owner of the range.



**Mary Hubler**

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**State Representative**

February 17, 2010

**Hubler Testimony on Senate Bill 424 – Shooting Range  
Protection Bill**

**Assembly Committee on Fish and Wildlife**

Thank you Chairman Hraychuck and committee members for considering this bill and receiving my testimony in favor.

The main thrust of this bill is to protect established shooting ranges from attempts by new neighbors to close them as nuisances. I view shooting ranges as safe places to practice with firearms and as valuable, regulated places for shooters to learn or review proper handling of firearms.

These ranges are even more important as development, urban sprawl and posting of rural property increases. Access to informal, unregulated areas that have been used for shooting practice is growing more limited. But hunting and recreational shooting continue to be important to tourism and the economy as well as integral parts of Wisconsin culture.

If we mean to continue the great Wisconsin tradition of the hunt, we must provide places where hunters can sharpen their skills. Shooting ranges are the safest places to do that.

This bill sets standards by which local governments can declare that existing ranges are hazardous to the public. It gives ranges a chance to remodel, improve and repair safety problems. It protects ranges from changes in zoning laws designed to put existing ranges out of business.

Existing businesses that are safely operated should not be forced to close because the nature of the neighborhood or the expectations of the neighbors change. Safety requirements may change, and this bill allows the ranges to address necessary steps to ensure safety.

Thank you.

# WI-FORCE

Wisconsin Firearm Owners, Ranges, Clubs and Educators, Inc.

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State Representative Hraychuck

State Capitol

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February 17, 2010

Dear Representative Hraychuck,

Range protection is important for every citizen of the State.

Senate Bill 424 is a bill intended to protect ranges from harassment and assure that Wisconsin citizens have adequate number of places to exercise their 2nd Amendment Rights.

As the President of the State Association, a Nationally Certified Range Technician, and a Training Counselor, I support legislation that protects our ranges. The citizens of our State need an appropriate, convenient place to practice the safe use of firearms.

Ranges, and protecting them is critical to every citizen in the State. Having a safe, convenient, local facility is a big part of keeping firearm accidents minimal. Everyone benefits when local ranges allow citizens to have a safe place to practice, learn or teach firearm safety.

Currently we have an incredible safety record based on the rare instance of accidents, not only at ranges but when firearms are used hunting, practicing or in self defense. Local ranges help continue to improve this safety record. Although some private individuals have enough land or proper location that can be used to safely discharge firearms, most do not. Ranges are designed to safely allow large amounts of rounds to be fired on a small amount of land. Ranges are also a place where shooters teach and learn firearm safety, both formally as in classes to informally by the operating procedures, observation of others and activities at the range.

As a teacher, I can tell you that repetition is the key to doing things correctly. Ranges offer continual reminders of the proper use of firearms. By just being at a range and following the standard operating procedures, helps reinforce safety. Ranges also host courses from basic instruction through advanced specialized instruction and hunter safety courses. Matches and other activities all use the ranges safety rules, with some activities having additional requirements. I have always encouraged hunters, as an example, to start practicing months before deer season. Common sense tells us that hunters that only take their rifle out once to site it in and then use it during the nine day gun season cannot be as familiar with safe gun handling as someone that practices safe gun handling on a regular basis.

If going to the range is not convenient, most will practice less or utilize places not designed for the amount of rounds that are fired. Range protection is needed in the entire state. As a Range Technician, I recently worked on a remote Wisconsin County Range case that you would think would be in an ideal location. That range was located on a 1000-acre plot of land, surrounded by a small mixture of sparsely populated private land and 40,000 more acres of County property. They were asking for information to improve safety and reduce noise due to concerns from neighbors. Having visited many ranges in Wisconsin, I can tell you that this range is secluded compared to most.

Ranges also provide a great place for social activities for the entire family.

WI-FORCE supports the passage of Senate Bill 424.

Sincerely,



Jeff Nass

President

**WI-FORCE**

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National Rifle Association Chartered Organization